

U.S. Application No. 10/674,671, filed September 30, 2003

Attorney Docket No. 14827US02

Amendment dated September 10, 2007

In Response to Office Action mailed April 9, 2007

REMARKS

Claims 1-29 are pending. Claims 1-29 are rejected.

The Office Action contains errors noted by Applicants. It is respectfully requested that the Examiner make the corrections, if appropriate. On page 2 of the Office Action, only claims 9-16 and 18-29 are alleged to be anticipated by U.S. Patent No. 6,968,394 B1 ("El-Rafie"). However, claims 1-8 are also being alleged to be anticipated by El-Rafie. On page 7 of the Office Action, the analysis of claims 23 and 24 refer to a reference called "Puente". Further clarification is respectfully requested.

Claims 1-16 and 18-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by El-Rafie. Applicants respectfully traverse the rejection as set forth below.

Claim 1 recites, in part, "wherein the communications device can receive media content from the antenna, wherein the communications device can send the media content to the network, and wherein the communications device can receive the media content from the network".

In the Office Action, it is alleged that the communications device is terminal device 2 of El-Rafie. Furthermore, it is alleged that the above-recited elements are described in El-Rafie at col. 8, lines 27-42. See Office Action at pages 2 and 3 (citing col. 8, lines 36-42 and 27-39).

El-Rafie at col. 8, lines 27-42 refer to FIG. 4 which appears to illustrate a cable network 33 with set-top boxes 39 connected to a cable headend 30 with a terminal device 2. El-Rafie at col. 8, lines 27-42 does not describe, for example, "wherein the communications device can receive the media content from the network".

Referring to El-Rafie at col. 8, lines 27-42 and FIG. 4, El-Rafie does not describe, for example, cable headend 30 with terminal device 2 receiving media content from cable network 33. Therefore, as alleged, El-Rafie does not anticipate claim 1.

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It is therefore respectfully requested that the rejection under 35 U.S.C. § 102(e) be withdrawn with respect to claim 1 and its rejected dependent claims (i.e., claims 2-16 and 17-22).

Claim 23 recites, in part, “receiving, by the communications device, media content from the antenna; receiving, by the communications device, the media content from the network; and sending, by the communications device, the media content to the network”.

As alleged in the Office Action, El-Rafie does not describe at least the above elements as set forth in claim 23.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 102(e) be withdrawn with respect to claim 23 and its rejected dependent claims (i.e., claims 24-29).

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being obvious over El-Rafie in view of U.S. Patent No. 6,889,385 B1 (“Rakib”). Applicants respectfully traverse the rejection as set forth below.

Rakib does not make up for the teaching deficiencies of El-Rafie as discussed above with respect to claim 1.

For at least the above reasons, the obviousness rejection cannot be maintained as alleged.

It is therefore respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claim 17.

In view of at least the foregoing, it is respectfully submitted that the pending claims 1-29 are in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee

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deficiencies, or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: September 10, 2007

Respectfully submitted,

/Michael T. Cruz/

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